

REMARKS

Claims 13-34 are now in this application.

New claims 33 and 34 have been submitted, of which claim 33 is similar in content to claim 13, and claim 34 is similar in content to claim 17.

In paragraph 2 of the Office action the examiner made objections to the wording of the several of the claims. Claims 13, 19-21, 26-28 and 30 have been amended in accordance with the examiner's suggestions.

Counsel would point out that some of the examiner's suggestions for claims 17, 18, 31 and 32 would change the meaning of these claims. And since the claim language is definite as originally presented, these claims have not been amended in accordance with all of the examiner's suggestions. In particular, for claims 17 and 18, the language "a control and/or regulating device, which controls and/or regulates the delivery capacity (M_DD) of the delivery device, the pressure (PR_UPR) in the pressure reservoir, the time at which the injection of the active ingredient occurs, and/or the duration (TI_UID) of an injection of the active ingredient as a function of the operating state (N, RA, RF, TMOT, LAMBDA) of the internal combustion engine" is clear and definite. First, it is pointed out that controlling and regulating are nearly synonymous, but it is common in the English language to refer to some aspects of operation of an exhaust system of an internal combustion engine as being controlled, and other aspects as being regulated. For example, a device such as the injection device would most commonly be referred to as being controlled. On the other hand, an operating parameter such as the pressure in the reservoir would most commonly be referred to as being regulated. The language in

question in claims 17 and 18 clearly recites that a single device controls and/or regulates several such aspects, which aspects vary as to whether controlled or regulated is the most common usage for them.

It also appears from reading the examiner's action that he does not believe that the conjunction "and/or" is definite. It is. It is sometimes not clear whether the common conjunction "or" has an exclusive meaning, in which case it means one alternative, or the other alternative, but not both alternatives. On the other hand "or" sometimes is taken to have an inclusive meaning, in which case it means one alternative, or the other alternative, or both alternatives. The conjunction "and/or" simply makes this very clear, it can be one, or the other, or both. With this in mind, several of the claims have been left without amendment as suggested by the examiner because the meaning is clear and definite.

For very similar reasons the language of claims 31 and 32 has not been changed by this amendment.

The examiner rejected claims 13-24 and 26-32 as anticipated by Peter-Hohlyn et al. Counsel points out that this reference lacks several limitations which are found in the claims, so that the rejection under 35 USC 102 clearly is not proper.

In particular, Peter-Hohlyn et al does not contain any disclosure as to the surge tank 30 being a pressure reservoir capable of being able to store the active ingredient under pressure as recited by claim 13. Rather, surge tank 30 is filled until level sensor 31 detects that it is full to its intended level. As soon as it is full the aqueous NO_x reducing agent is lead directly into the exhaust line 44 via line 25. This is as disclosed in Peter-Hohlyn et al at column 9 lines 21-25.

Thus, the reference to Peter-Hohlyn et al avoids pressure buildup in surge tank 30. This difference is further amplified by the use of the term “surge” tank, as this even further points to the tank 30 being a buffer tank which is filled only to a certain level, rather than to a pressure reservoir which is filled, and even further is pressurized.

Claim 17, and also new claim 34, include further material which also is not found in the Peter-Hohlyn et al reference. In particular, at column 8 lines 41-43 Peter-Hohlyn et al disclose only a very general regulation of the flow of the NO_x, reducing agent. Further, at lines 59-60, Peter-Hohlyn et al disclose that it is desirable to be able to control reagent feed, as well as close it down as desired. There is no disclosure in Peter-Hohlyn et al as to control and/or regulation of the **pressure** in the pressure reservoir, nor is there any disclosure of controlling the time at which the injection of the active ingredient occurs. Column 8 lines 52-54 of Peter-Hohlyn et al do not relate to the injection timing of the active ingredient into the exhaust gas, but rather to the timing of injecting fuel into the combustion chamber. And there is nowhere else in the Peter-Hohlyn et al reference which speaks of timing of the injection of the active ingredient into the exhaust gas.

In the rejection of claim 25 the examiner has relied on the references to Peter-Hohlyn et al and Goerigk et al. But the reference to Goerigk et al does not supply any of the deficiencies which Peter-Hohlyn et al has as a reference against these claims. In particular, Goerigk et al does not include any disclosure of controlling or regulating the pressure in the pressure reservoir. Likewise, Goerigk et al does not include any disclosure of controlling the time at which the injection of the active ingredient occurs.

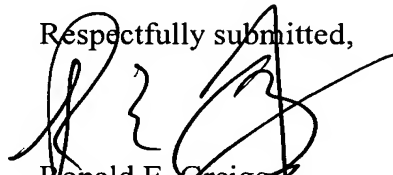
Appl. No. 10/573,184
Amdt. dated February 27, 2008
Reply to Office action of November 27, 2007

In fact, none of the other cited prior art includes any teaching of these two limitations which are recited in the claims. And thus the prior art does not include a complete teaching of the invention as recited in applicants' claims. Accordingly, there can be no proper rejection under either 35 USC 102, or under 35 USC 103 based on the prior art which is now cited in this application.

For all of the above reasons, whether singly or in taken combination with each other, entry of this amendment and allowance of the claims are courteously solicited.

The Commissioner is authorized to charge a fee of \$100.00, for the two claims in excess of twenty which are now present in this application, or any other necessary fees in connection with this communication, to Deposit Account Number 07-2100.

Respectfully submitted,



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